

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Labour Department - Measures for simplification of procedures and formulation of regulated and systematized inspection procedure in the Labour Department - Revised orders - Issued.

LABOUR EMPLOYMENT TRAINING AND FACTORIES (LAB.IV) DEPARTMENT

G.O.Ms.No. 4

Dated: 02.02.2013
Read the following:-

1. G.O.Ms.No.40 of Labour, Employment Training & Factories (Lab.IV) Department, dated 23.05.2001.
2. G.O.Ms.No.33 of Labour. Employment Training & Factories (Lab.IV) Department, dated 27.08.2002.
3. Lr.No.I1/858/2006, dated: 12.08.2005 of the Commissioner of Labour, AP. Hyderabad.
4. Lr.No.E1/858/2006, dated: 28.04.2009 of the Commissioner of Labour, A.P. Hyderabad.
5. Lr.No.E1/858/2006, dated: 11.02.2010 of the Commissioner of Labour, A.P. Hyderabad.
6. Govt. Memo No.24/Lab.IVIA1I2005-23, dated: 01.08.2012.
7. Lr.No.N2/858/2006, dated: 26.10.2012 of the Commissioner of Labour, A.P. Hyderabad.

ORDER:

Government issued orders in G.O. 1st read above, distributing the inspection work among the Officers of the Labour Department while simplifying and systematising the inspection procedure. The said orders were challenged by certain Trade unions and the Hon'ble High Court in W.P.Nos.14240 of 2001, dated: 17.7.2002 gave liberty to Government either to alter, modify or to amend the terms or to withdraw the G.O.

Government in partial modification of the said G.O., issued revised orders in G.O. 2nd read above, distributing inspection work among the officers of the Labour Department, while continuing the substantial part of the G.O. A number of complaints have been received alleging that the G.O. has not served its purpose and its continuation is not in the interest of the workers. Periodical review on implementation of G.O. revealed many flaws and the successive Commissioners have recommended for cancellation of G.O. Their observations are that G.O. was issued with an objective to simplify the procedure in administration of labour laws but it has been faced with resistance from the workers and Unions as it had created hurdles in realization of the legal rights of the workers. Prior to issuance of G.Os 1st and 2nd read above, check-inspections ensured proper supervision and deterred the Inspecting Officers from taking the inspections and prosecutions casually. Each officer was assigned a specific Act / Establishment and was required to take up inspection of all the establishments within his jurisdiction within a stipulated period of time. Under the G.O.Ms.No.33, dated: 27.8.2002, Assistant Labour Officers, Assistant Commissioners of Labour, Deputy Commissioners of Labour, and Joint Commissioners of Labour were allotted specific establishments on the basis of number of workers. There was no cross check of inspections of any inspecting officer resulting in dilution of accountability, and the senior officers

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like Deputy Commissioner of Labour and Joint Commissioner of Labour, who were assigned larger establishments seldom undertook inspections in respect of the establishments entrusted to them, adversely affecting the interest of workers. The Joint Commissioners of Labour were not required to submit their inspection reports to the higher officers. Withdrawal of targets of inspections and prosecutions resulted in few cases of prosecutions, substantial number of them ending up in acquittal. A separation of the inspection and the quasi-judicial functions has been a long pending issue of the department. Therefore, they have suggested that it would be appropriate to allot inspection work only to Assistant Labour Officers and Assistant Commissioners of Labour, while entrusting the quasi-judicial work and conciliation to the senior Officers viz. Deputy Commissioners of Labour and Joint Commissioners of Labour.

Government after careful examination and in supersession of the orders issued in the GOs 1st and 2nd read above hereby issue, the following revised orders:-

- 1) The Inspecting officers of the Department specified in the Schedule annexure to this orders are responsible and accountable for the inspections undertaken by them and for the follow up action. Ignorance or inaction of gross violation of key provisions will be viewed seriously and suitable action will be taken against the person responsible.
- 2) All the inspecting officers shall draw up a monthly schedule of inspections and take up inspections in accordance with the schedule annexed to this orders and every establishment allotted to the Officer shall be inspected once in a year. The next month inspection schedule shall be enclosed to the monthly diary.
- 3) Not with standing the conditions in the above paras, the Commissioner of Labour or the Addl. Commissioner of Labour or the Joint Commissioners of Labour can conduct inspection of any establishment within their territorial jurisdiction or authorize in writing, any of their subordinate officers to undertake inspection of any establishment as and when required.
- 4) On specific complaints, the above Officers may conduct inspection by themselves or may authorize any subordinate Officer under their control to take up inspection of any establishment. The Subordinate Officers shall accompany and assist, on being so instructed, the Senior Officers in their inspections and shall take up follow up action if required by the Senior Officers.
- 5) The complaints received by the Assistant Labour Officers, Assistant Commissioners of Labour and Deputy Commissioner of Labour shall be forwarded with proposal for inspection, to the Joint Commissioner of Labour concerned. Complaints related to the establishments within the territorial jurisdiction of more than one Joint Commissioner of Labour, shall be submitted to the Commissioner of Labour for necessary instructions.
- 6) The Deputy Commissioner of Labour shall conduct check inspections atleast 5% of the inspections of the Assistant Commissioners of Labour and 2% of the inspections of the Assistant Labour Officers. The Joint Commissioners of Labour shall conduct random check inspections of not below 10 of the Assistant Labour Officers and the Assistant Commissioners of Labour.

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- 7) The Assistant Labour Officers shall implement night, Sunday and holiday closures of the shops and establishments under Section 7(1), 12(1), 15(1) and 31(1) under the Andhra Pradesh Shops & Establishments Act, 1988 in respect of all shops and establishments existing within their territorial jurisdiction.
- 8) The Deputy Commissioners of Labour shall review every month, inspections conducted and other works attended by the Assistant Labour Officers and Assistant Commissioners of Labour along with monthly diary and follow up action taken on the inspections and submit report to the Joint Commissioner of Labour concerned and the Commissioner of Labour. The Joint Commissioners of Labour shall review every month the inspections conducted and other work attended by the Assistant Labour Officers, the Assistant Commissioners of Labour and the Deputy Commissioners of Labour and submit review report to the Commissioner of Labour. The Commissioner of Labour will review with the Joint Commissioners of Labour periodically and submit report to the Government.
- 9) Any inspection in deviation of the above instructions shall be treated as unauthorized inspection and the officer undertaking such an unauthorized inspection shall be liable for disciplinary action.

The Commissioner of Labour is requested to take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.C. SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Labour, Andhra Pradesh, Hyderabad.

Copy to:

The Commissioner, Government Printing Press,

Chenchalaguda, Hyderabad - with a request to publish the G.O, in the next issue of the Gazettee and supply 500 copies of that Gazettee to the Commissioner of Labour, A.P., Hyderabad.

The Special Secretary to Chief Minister.

The Industries & Commerce Department.

The Additional Advocate General, Andhra Pradesh, Hyderabad.

The Law Department.

The OSD to M (LET&F&ITIs).

The P.S. to Principal Secretary to LET&F Department.

The P.A. to Deputy Secretary to LET&F Department.

//FORWARDED:: BY ORDER//

SECTION OFFICER

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SCHEDULE

(G.O.Ms.No. 4 of LET & F (Lab.IV) Department, Dated: 02.02.2013)

Name of the Inspecting Officer	Details of establishments allotted
Assistant Labour Officer	<ul style="list-style-type: none">i) Motor Transport Undertakings having upto 100 workers.ii) Beedi & Cigar establishments having upto 100 workers.iii) Shops & Establishments having upto 100 employees.iv) Factories under Section 85(i) of the Factories Act.v) Contract labour establishments and building and other construction establishments in Government, public sector and private works having upto 100 employeesvi) Other establishments having upto 100 employees, covered under the remaining labour enactments.vii) Assistance to the Deputy Commissioner of Labour the Joint Commissioner of Labour and other Senior Officers in their inspections.
Assistant Commissioner of Labour	<ul style="list-style-type: none">i) Motor Transport Undertakings having more than 100 workers.ii) Beedi & Cigar establishments having more than 100 workers.iii) Factories under Section 2m(i) & 2m(ii) of the Factories Act.iv) Shops & Establishments having more than 100 employees.v) Contract labour establishments and building and other construction establishments in Government, Public sector and private works having more than 100 employees.vi) Other establishments having more than 100 employees, covered under the remaining labour enactments.vii) Assistance to the Deputy Commissioner of Labour, the Joint Commissioner of Labour and other Senior Officers in their inspections.
Deputy Commissioner of Labour	Check Inspections of inspections of Assistant Labour Officers: 5% and Assistant Commissioners of Labour: 2%.
Joint Commissioner of Labour	Random Check inspections of 10 establishments of Assistant Labour Officers, Assistant Commissioners of Labour and Deputy Commissioners of Labour every month.

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Note:

- 1) No of employees/workers includes all categories i.e. regular, casual, contract employees.
- 2) No of employees in a contract labour establishment includes employees engaged by all the contractors and subcontractors under the principal employer of the establishment.
- 3) The authorized Inspecting Officer in respect of a motor transport undertaking is the registering and licensing officer under the Contract Labour (R&A) Act, the Inter-state Migrant workmen Act and the Building & Other Construction Workers Act.
- 4) The authorized Inspecting Officer in respect of a contract labour establishment / inter-state migrant workmen establishment is the registering officer under Motor Transport Workers Act and the Building & Other Construction Workers Act.
- 5) The authorized inspecting officer in respect of a factory is also the registering officer under the Motor Transport Workers Act, the A.P. Shops & Establishments Act and the Building & Other Construction Workers Act and Registering and licensing officer under the Contract Labour (R&A) Act and the Inter-state Migrant workmen Act.
- 6) The authorized inspecting officer in respect of an establishment shall inspect under all labour enactments relevant to the establishment.
- 7) The Inspecting Officer shall prepare the inspection report and issue a copy to the employer within three days of inspection.

J.C. SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT